

FREE the FIVE



NEWSLETTER

STATEMENT TO THE PEOPLE

Much of the political work done around our case has been centered on the issues of a "right to a fair trial" and abuses of process by the media, police, and prosecution. We feel that it's undesirable for progressive & sympathetic people to focus on these issues. When people call for a fair trial they are implicitly stating that they accept the right of the government to try us, & are only objecting to the abnormal & "unfair" procedure. Consciously or not, they are legitimizing the moral authority of the law & the right of the government to make & enforce laws.

We reject the authority of the government. We see it as a powerful force of oppression in the world. It is a force which has been waging three hundred years of genocidal war against the Indians, the original inhabitants of this land, & which not only sanctions but facilitates corporate investment in the Thirld World, blood money that maintains brutal dictatorships. The government plans & executes massive attacks on the environment, participates eagerly in the global arms race, & fundamentally, directs & maintains our society in its violence & blindness.

We are dealing with the courts in a legalistic manner in an attempt to prevent them from crucifying us, & we can certainly see the benefits of pres-

surging the state to curb their more blatant manipulations. However, the benefits of civil liberties agitation only come at the cost of reinforcing political concepts that we reject. We would like to see the political work done on our case center around what we consider to be the real issues: environmentalism, feminism, anti-imperialism, & radical activism. We appreciate all the efforts people have made to help us, but we see the need to stress the politics that are of primary importance to the peoples of the world.

-- Gerry, Ann, Doug, Brent

legal update

This first trial, of the Brink's conspiracy, weapons & theft charges, began with the entry of not guilty pleas from all 5 defendants and a motion from the defense to have the Direct Indictment set aside & the case returned to provincial court for the full preliminary hearing that an accused is entitled to. Motion denied by Judge S.M. Toy.

Then followed a 10 day examination of the effects of prejudicial pre-trial publicity on the right to a fair & impartial jury. Defense counsel called expert witnesses & played excerpts of the "Trial By Media" videotape in an effort to have the charges stayed on the grounds of prejudice. Two witnesses, a cognitive psychologist & a social psychologist, experts in memory formation & retrieval, & jury behaviour, gave evidence that human memory responds to attention-grabbing material & initial emotional reactions are formed that cannot be readily overcome. Feelings of anxiety & opinions of guilt would be the common response to such media display.

Dr. Jay Schulman was brought in as an expert on jury psychology & the impact of publicity on the public, having done similar work on the Daniel Ellsberg & Pentagon Papers, Attica Prison riot, Wounded Knee trials, S.L.A. & other political cases. Through detailed dissection of newspaper articles, & tapes of radio & TV news broadcasts, it was made abundantly obvious that the media had acted outside of any reasonable limit even on biased coverage & had, in fact, created such a hysteria over the arrests & alleged activity of the defendants that the public could not help but be instilled with fear & an assumption of their guilt.

The police & crown prosecutor engineered this result by manipulating their relationship with the mass media by feeding them what they wanted...a chance of headlines reading "terrorists" "anarchists" "extremists". Faint accomplishment...the public is handed a judgement, many months before trial begins.

There was sufficient proof of the likelihood of the trial's outcome having been affected by media & police manipulation to compel the judge to grant in-depth questioning of the potential jurors (alth' he did deny the motion to stay the charges). In Cdn. courts, a juror is selected with nothing more than their appearance & occupation to go by. But a legal precedent was established by permitting defense counsel to extensively question them for any prejudice, extremely essential in this case. Quite a high percentage, 20%, of the potential jurors chose to dismiss themselves on the grounds that they could not be impartial. Those remaining were questioned by some or all of the 5 defense lawyers to gain an understanding of their personal lives & their attitudes on political & legal issues. The prosecutor only rarely used any veto. The jury selection process took 10 days & the presentation of 175 people from the jury panel before 12 suitable jurors were chosen.

At the present time, the "voir dire" section is still in progress & the jury is not present during this period of a "trial within a trial" when the Crown presents the more contentious evidence in their case & defense counsel cross-examines & attacks the admissibility of such. In this trial, police surveillance information & the legality of the wiretap evidence are in question. In the 3 weeks since the "voir dire" began, some of the police from the various enforcement agencies have taken the stand & given us some interesting insights into their structure, methods of operation....and coverups, of course! The Security Service, Nat. Crime Intelligence Section, Van. Integrated Intelligence Unit, Co-ordinated Law Enforcement Unit & the RCMP are all well-represented (altho' we're definitely unsure of the applicability of the "Intelligence" part)!!! Depending on the outcome of these crucial arguments over admissibility, this pre-trial period could extend another 4-6 weeks. That puts the trial proper at starting about early Jan.1984!

Question Authority:



What Justice?

Whose Law

The trial of the Five began this Sept. in Canadian court, a process intended to determine responsibility for acts committed that are labelled illegal. The so-called "due process of law" has started, & from habit it is automatically called "justice." Yet the case of the Five confronts us with the necessity of examining the fundamental basis of Canadian law. Scrutiny reveals how habits of thought about the justice of the legal system lie: how conceptions of legality & illegality are neither impartial or just.

The charges against the defendants can be examined & understood at two levels: first, at a surface level of the "proper" legal process, & second, at the more fundamental level of questioning the true meaning of justice in our supposed just society.

Since Jan. 83, women's groups, unions, & other organizations working on a variety of social & political issues have recognized the menace inherent in due legal process being denied, circumvented or ignored. Protest is mounting of the illegalities occurring within the legal system - incidents of "surface level" injustice.

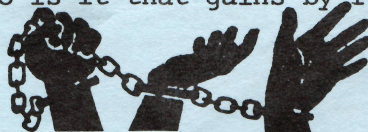
What has received less attention is examination of fundamental issues of justice in this case. The reality of legally sanctioned injustice can be determined by reviewing examples of ongoing prejudice in Canadian legal practice.

Examination of racial imbalance of prison populations relative to overall society, and comparison of records of sentences given to the rich vs. the poor, indicates a consistent pattern of fundamental prejudice & inequality in law. Such examples illustrate that the authority of law is neither infallible or impartial. The legal system serves to maintain the status quo of those who have against those who have not.

It is necessary then, to step beyond the confines of law to seek justice, in order to place the case against the Five in a proper context. What is not to be found in a Canadian court is consideration of the nature of the alleged actions - damage to property - within the broader context of assessing real justice in this case, yet it is exactly what is deemed irrelevant & inadmissible by law. B.C. Hydro & its Cheekye-Dunsmuir line, Red Hot Video & its misogynist pornography, & Litton & its cruise missile technology are violence-violence which damages the environment, harms women & children, & escalates the potential for destruction of the world. It is only when this hidden, protected crime is exposed & the imbalance of "facts" is righted that we can weigh the harm of property damage against the intent of property & judge where the greatest evil lies. When the laws of society serve to protect the greatest violence, it is imperative that individuals take responsibility for their own perception & understanding of the world & act in accordance with their own consciences. We must weigh what is said against what is done & identify the sanctioned crime of the property holders for what it is - crime against humanity & the earth. Property destruction - in the face of property that brings about environmental rape, escalation of social oppression & misery, potential global mass destruction - is not only a lesser of two evils, but a contribution to a greater good. Crimes of self defense are in reality no crimes at all.

Upon examination of facts relevant to this case, a picture of justice emerges that contradicts the official definition of "crime" now in place in the government legal system. Regardless of the courts' findings of guilt or innocence, the issues at stake in the case of the Five expose the contradictions of law & thereby challenge the basis of our society. How is it that law is so far removed from true justice? And who is it that gains by it? Stop the real terrorists. Free the Five!

TO CONTRIBUTE SUPPORT...



*FRI.NOV.25 benefit dance celebrating the anniversary of Wimmin's Fire Brigade actions. With Moral Lepers, Sassafras, & Industrial Waste Banned. Legion Hall. Commercial & 6th Ave. 8:00. \$5.00/\$4.00. Childcare. Wimmin only.

*TRIAL...ONGOING 10:00am-4:00pm. Supreme Court, Carnarvon St., New Westmin. (phone courthouse to check trial is sitting that day)

*WRITE LETTERS to any of the 5 incarcerated: Julie Belmas, Ann Hansen, Gerry Hannah, Doug Stewart, Brent Taylor at:
Oakalla Prison, Drawer "O", Burnaby, B.C. V5H 3N4

*FINANCIAL CONTRIBUTIONS, OTHER IDEAS/INFO to share:
Free the Vancouver Five Defense Group
P.O. Box 48296, Bentall Station, Van., B.C. V7X 1A1

